

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
KOMLA GANU, et al.,

Plaintiffs,

- against -

METROPOLITAN COLLEGE  
OF NEW YORK, et al.,

Defendants.  
-----X

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED

DOC #:

DATE FILED: 5-4-09  
07 Civ 9899

**CONDITIONAL**  
**ORDER OF DISCONTINUANCE**

**VICTOR MARRERO, United States District Judge.**

Counsel for plaintiffs, on behalf of the parties, having notified the Court, by letter dated May 4, 2009, a copy of which is attached, that the parties have reached an agreement in principle to settle this action without further litigation, it is hereby

**ORDERED**, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within 30 (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket and the parties shall be directed to

appear before the Court, without the necessity of additional process, on a date within thirty days of the plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

The conference scheduled for May 8, 2009 is canceled but shall be rescheduled as set forth above in the event plaintiff notifies the Court that the parties' settlement was not effectuated and that such conference is necessary to resume pretrial proceedings herein.

The Clerk of Court is directed to close this case.

**SO ORDERED.**

Dated: NEW YORK, NEW YORK  
4 May 2009

A handwritten signature in black ink, consisting of a large, stylized 'V' followed by several loops and a long horizontal stroke.

VICTOR MARRERO  
U.S.D.J.

**THE HARMAN FIRM, PC**

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May 4, 2009

**VIA FACSIMILE (212-805-6382)**

Honorable Victor Marrero  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 660  
New York, NY 10007

Re: Ganu et al. v. Metropolitan College of New York, et  
al., 07 Civ. 09899 (VM)(GWG)

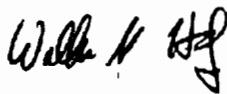
Dear Judge Marrero:

I represent the plaintiffs in the above-entitled action, and write, on behalf of all parties, to inform your Honor that this action has settled and a Stipulation of Settlement has been fully executed. The Stipulation of Dismissal with Prejudice will be forwarded to the Court very soon.

Accordingly, in light of the settlement, I respectfully request that your Honor cancel the conference, currently scheduled for Friday, May 8, 2009 at 3:45 p.m.

Thank you in advance for your attention to this matter.

Respectfully submitted,



Walker G. Harman, Jr.

Cc: Steven Kent, Esq.